

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
06-CR-355A

CHRISTOPHER PAIGE,

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(A). On November 13, 2006, defendant filed a motion to suppress evidence and for discovery material. On May 11, 2007, Magistrate Judge Foschio filed a combined Report and Recommendation and Decision and Order, granting the defendant's motion for discovery material and recommending that defendant's motion to suppress be granted.

The government filed objections to the Report and Recommendation on May 24, 2007. Defendant filed a memorandum in opposition to the government's objections on June 12, 2007. Oral argument on the objections was held on June 22, 2007.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's thorough and well-reasoned Report and Recommendation, defendant's motion to suppress the firearm seized pursuant to a warrantless search of his residence is granted.

The parties shall appear on Monday, June 25, 2007 at 2:00 p.m. for a status conference and for oral argument on defendant's motion for release on bail.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: June 25, 2007